

Patent Docket P1099C1

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

William R. Arathoon et al.

Serial No.: 09/373,403

Filed: 12 August 1999

For: A METHOD FOR MAKING
MULTISPECIFIC ANTIBODIES
HAVING HETEROMULTIMERIC AND
COMMON COMPONENTS

Group Art Unit: 1642

Examiner: J. Hunt

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CERTIFICATE UNDER 37 CFR 1.10

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May 16, 2002

Yvonne Carter

RESPONSE TO ELECTION REQUIREMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This document is submitted in response to the Office Communication mailed April 19, 2002 for which a one month response was given and further to the Office Action mailed December 26, 2001. This response is due on or before Monday, May 20, 2002, because May 19, 2002 falls on a Sunday. In view of the discussion provided, reconsideration of the requirements is respectfully requested.

Species Election Requirement

Applicants previously elected with traverse claim Group II (claims 30-31, 33-45, and 47-49) in their response filed January 28, 2002. These claims are drawn to a method of making a multispecific antibody, wherein the antibody comprises a protuberance into cavity interaction, classified in class 530, subclass 387.3.

Applicants inadvertently omitted an election of species required by the Examiner in the December 26, 2001 Restriction Requirement. As a result, the Examiner issued the April 19, 2002 Office Communication requiring an election of species.

Applicants respectfully traverse the election of species requirement because a search of the literature

encompassing these and other polypeptide interactions as part of the overall invention would not place an undue burden on the Examiner. Without acquiescing to the election requirement, Applicants elect the following species for the claims of Group II: a species that is a bispecific antibody; wherein the import residue having a larger side chain than the original residue is tryptophan (W); and wherein the import residue having a smaller side chain than the original residue is an alanine (A).

Applicants reserve their right to obtain claims encompassing a reasonable number of species prior to allowance of the claims, according to 36 CFR § 1.146., such that the scope of the allowed claims encompasses the breadth of Applicant's invention.

If the Examiner has any questions, the Examiner should feel free to call the undersigned attorney at the number indicated below.

This document is timely filed within the one-month period for response. Applicant believes that no fees are due with this submission. In the unlikely event that fees are due, Applicant hereby petitions the Commissioner to authorize any extensions of time and/or to deduct fees or add credits due to our Deposit Account 07-0630 as necessary to maintain the pendency of this application.

Respectfully submitted,
GENENTECH, INC.

Date: May 16, 2002

By: 

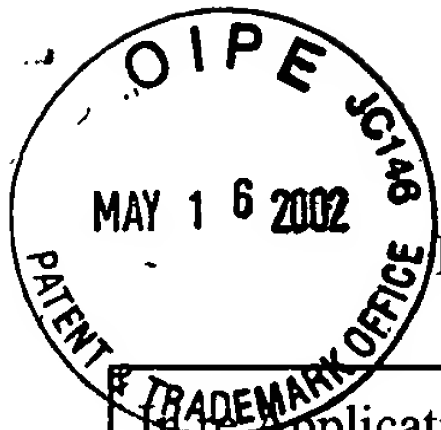
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May 16, 2002

Yvonne Carter

AMENDMENT UNDER 37 CFR §§ 1.821-1.825**Amendment of Sequence Listing**Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This document, and accompanying documents, are submitted to correct an inadvertent error in SEQ ID NOS: 23 and 24 of the Sequence Listing submitted February 20, 2001 in the above-referenced application. Entry of the amendments is respectfully requested.

REMARKS

The sequences of SEQ ID NO:23 and SEQ ID NO:24 of the Sequence Listing submitted February 20, 2001 are amended herein to correctly incorporate the complete sequences as shown in Fig. 5 of the originally filed specification. A line of sequence information from each of SEQ ID NO:23 and SEQ ID NO:24 in originally filed Fig. 5 was inadvertently omitted when the sequences were entered into the Sequence Listing in parent application 08/850,058. The amendments to SEQ ID NO:23 and SEQ ID NO:24 are made merely to incorporate sequence